

OUT-OF-STATE QUALIFYING PATIENTS AND CONFLICTS OF INTEREST PROPOSAL

Summary

This proposal:

- Amends the definition of “qualifying patient” to require that an out-of-state patient be admitted to a medical facility that is licensed in Maryland as a specified long-term care facility instead of a Joint Commission accredited facility.
 - This will allow out-of-state patients to be treated with medical cannabis, since there are currently no Joint Commission accredited medical facilities in Maryland that permit medical cannabis treatment.
 - Further, requiring the out-of-state patient to be admitted to a long-term care facility helps ensure that the patient will only use medical cannabis during the in-patient treatment, and not illegally transport the medical cannabis outside of Maryland.
- Establishes that a party may not simultaneously hold an interest in or control of a grower, processor, or dispensary license, and a medical facility licensed in Maryland where a qualifying patient who lives in another state receives treatment with medical cannabis.
 - This provision guards against undue influence in provider-patient relationships that involve the treatment of out-of-state patients with medical cannabis.

10.62.01 Definitions

.01 Definitions.

A. (text unchanged)

B. Terms Defined.

(1) – (31) (text unchanged)

(32) “Qualifying patient” means an individual who:

(a) (text unchanged)

(b) Is physically in the State and:

(i) (text unchanged)

(ii) Is admitted to a [Joint Commission accredited] medical facility *licensed in Maryland as a long-term care hospital, nursing home, assisted living program or extended care facility.*

(iii) – (v) (text unchanged)

(33) – (44) (text unchanged)

10.62.02 General Regulations

.06 Conflicts of Interest.

A person who holds an ownership interest in or control of, including the power to manage or operate, a licensed grower, processor, or dispensary may not simultaneously hold an ownership interest in or control of a medical facility licensed in Maryland where a qualifying patient who lives in another state receives treatment with medical cannabis.